

Southend-on-Sea Borough Council

Report of the Strategic Director for Neighbourhoods and
the Environment

To

The Cabinet

On

2nd November 2021

Report prepared by: Adam Penn.
Regulatory Services Manager

Agenda
Item No.

Approval of The Council's Statement of Gambling Licensing Policy

Cabinet Member: Councillor Martin Terry
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To update Members on the outcome of the formal consultation process in respect of the Gambling Licensing policy.
- 1.2 To set out a proposed final statement for the purposes of the Gambling Act 2005. (in order to meet the timetable for introduction by 31st January 2022)

2. Recommendations

- 2.1 **That Cabinet recommends to Council that the Statement of Gambling Licensing Policy, set out in Appendix 1, be adopted.**

3. Background

- 3.1 The Council's Statement of Policy under the Act was approved by Cabinet on 6th November 2018 and came into force on 31st January 2019. It is valid for a maximum period of 3 years or until the next statutory review date, whichever is sooner. The current policy expires on 30th January 2022, and the Council, as the Licensing Authority is required to adopt a new one by 3rd January 2022.
- 3.2 The Act requires that the policy is kept under constant review and amended before the statutory period ends where significant change is identified.
- 3.3 On 19th July 2021 the Council published a draft statement of Licensing Policy. In line with best practice, a formal consultation was carried out, with the request that responses be received by 29th August 2021. The consultation exercise involved the following elements.
 - a) The despatch of an email to the holders of existing licenses and permits for Adult and Family Entertainment amusement centres the proprietors (or head office) of all betting shops, bingo halls and casinos. The same

notification procedure was operated for a range of trade association and voluntary groups, legal firms and others with known interests. This gave a brief explanation the consultation process and gave details of the availability of the draft policy document. The proposed changes were highlighted within the draft policy.

- b) Utilising details held within the departmental records, the same approach was taken for a sample of lottery permit holders and alcohol licensed premises holding gaming machine permits.
- c) A letter or email was also sent to a range of residents associations, tenants groups and focus groups.
- d) Emails were sent to key charities, interest and support groups.
- e) Emails were sent to all of the Responsible Authorities under the Gambling Act, other relevant sections of the Council.
- f) All Members of the Council were emailed a link to the draft policy together with details of how to comment.
- g) The policy was discussed at a meeting of the full Licensing Committee called on 16th August 2021 specifically for this purpose.
- h) Inclusion of the draft policy document on the Council's website in the Consultation Section.
- i) Continuing response to enquiries, by Officers of the Licensing Team, in person or by telephone or email.
- j) In total around 350 letters and emails were sent out at the start of the consultation period.

3.4 The full list of consultees is appended to the Policy document.

3.5 As a result of the consultation process 11 written responses were received some simply voting on if they agree with the policy or not. Details and an analysis of the responses can be found in appendix 2.

3.6 The changes to the final statement of policy document, (in comparison to the existing one) includes some general updates, and the following matters: -

- a) Strengthening of the protection expected to be afforded to persons who do not use English as their first language (section 14.20);
- b) Amendment to the wording of sections 21.5 and 21.6 reflecting the Government reduction of the maximum stake for B2 machines;
- c) Adding the expectation that a plan will be provided by applicants for Gaming Machine permits in alcohol licensed premises. (26.4). This will assist the Licensing Authority in determining such applications as it will highlight the proposed location of machines and allow an assessment by the Authority in regard to the protection of children and vulnerable adults;
- d) A larger list of consultees (annex A);
- e) Amendments to sections 14.13, 25.3 and 26.4 in reaction to consultation responses. Details of these are listed in **Appendix 2**.

4. Other Options

- 4.1 Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 349 of The Gambling Act 2005 which requires the policy to be reviewed.
- 4.2 It is not considered that another option exists.

5. Reasons for Recommendations

- 5.1 To enable the Council to comply with its statutory duty under Section 349 of The Gambling Act 2005.

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

The Council's ambition of 'Safe and Well' is supported by the 'licensing objectives' of the Act. The proposed Gambling Policy links with Reducing Harmful Behaviours strategy which specifically addresses Gambling issues and a member of the licensing authority sat on the panel which created that document. In addition, the LA produces a Local Area Profile, for use of applicants in risk assessing the impact of their application and for use by existing licensees in their assessments.

The development of a Licensing Policy establishes how the Council will determine applications therefore supporting the 'Opportunity and Prosperity' ambition.

- 6.2 Financial Implications

The annual licence fees form part of the overall budget for the Council; however, fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit with a statutory maximum fee for each type of licence.

- 6.3 Legal Implications

Section 349 of the Gambling Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

- 6.4 People Implications

The policy supports people who may be vulnerable or suffering mental health issues, particularly following financial hardship which may have been increased as a result of the Covid-19 pandemic.

6.5 Property Implications

No property implications.

6.6 Consultation

Section 349 of the Gambling Act requires that all Licensing Authorities consult on a draft policy prior to approving a final policy. The list of persons to be consulted when preparing this Licensing Authority's Statement of Policy is outlined at annex A in the policy. Details of the consultation can be found in section 3.3 of this report.

6.7 Equalities and Diversity Implications

An equalities assessment has been carried out for this policy.

6.8 Risk Assessment

The main risks identified is that failure to adopt a policy which has regard to the Gambling Commission 'Guidance to Licensing Authorities', or to adopt it within the statutory period, would put the Council in breach of its statutory duty under the Act.

6.9 Value for Money

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit with a statutory maximum fee for each type of licence.

6.10 Community Safety Implications

None.

6.11 Environmental Impact

None

7. Background Papers

7.1 Gambling Act 2005.

7.2 Gambling Commission Guidance to Local Authorities, September 2015, 5th Edition. Updated September 2016

8. Appendices

8.1 **Appendix 1:** Statement of Gambling Licensing Policy 2022-2025.

8.2 **Appendix 2:** Overview and an analysis of the correspondence received in response to the consultation process.